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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/769,511	01/25/2001	Bjorn Markus Jakobsson	31	6106

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Ryan, Mason & Lewis, LLP
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EXAMINER

NELSON, FREDA ANN

ART UNIT PAPER NUMBER

3639

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/769,511

Applicant(s)

JAKOBSSON, BJORN MARKUS

Examiner

Freda A. Nelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 and 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The communication received on November 18, 2005 is acknowledged and entered.

Claims 2-6 and 8-19 are currently pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 2-5, 8-12, and 15-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (Patent Number 5,568,541) in view of Lynch-Aird (Patent Number 6,240,402) in further view of Chang et al. (Patent Number 5,958,016).

2. In claims 3-4, 8-9, and 16-18, Greene discloses that when answered, the telephone number of the calling party is identified electronically in step 6 and compared to the subscriber's database in a data processing system as indicated by box 8 (col. 3, lines 39-44). Greene discloses that the subscriber's specified call billing parameters are then incorporated into a standard Automatic Message Accounting record which is generated by the carrier switch network for each call and sent to the billing system which processes the charges for inclusion in the network bill sent to the caller and credits a portion of those charges to the account of the person called (col. 2, lines 61-67).

Greene does not disclose that the user-specified access cost information includes one or more access rules specified by the user and indicates a particular access cost for an incoming call under one or more specified conditions. Greene et al. does not further disclose that the user-specified access cost information is at least in part entered by the user at a web site associated with a service provider.

Lynch-Aird discloses that charging information can be maintained by the network operator in a suitable charging table in which an entry is kept against each allocated recipient identifier indicating the charging scheme associated with the recipient identifier wherein for example, a first unique recipient identifier RID.sub.1 is allocated to recipient R.sub.A and designates that the originator of the call be charged (col. 5, lines 27-33;

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FIG. 4); the charges are determined on the basis of any known system, for example a fixed charged per packet, the charge based on the duration of the packet, a charge based on the distance of the call, the time of the day, the packet type and so forth (col. 6, lines 10-14); an originator identifier indicates that the corresponding customer originated the call and will accept the call charging scheme as determined by the recipient identifier (col. 4, lines 60-63); and a recipient identifier indicates that the corresponding customer received the call and would also determine how the call charges should be allocated (col. 4, lines 64-67).

Chang et al. discloses a web page type which enables subscriber access to control and reporting functionalities of a communication network, such as the advanced intelligent telephone network, via a public packet data network, typically the network now commonly known as the Internet; and the web page based Internet access opens the personal control of services provided by the communication network to any subscriber who also uses the Internet, for example using the subscriber's existing PC and browser software or their Web-TV terminal (abstract). Chang et al. further disclose that through the web page access provided by the platform, telephone subscribers can review the status of their services and modify or upgrade their telephone services, including switch-based services and intelligent network services controlled through the data stored in the service control point. Subscribers also may review reports of usage of their services or review account or billing statements (col. 6, lines 23-29).

Therefore, it would have obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Greene to include the feature of Lynch-Aird and Chang et al. in order to provide recipient identifiers to indicate that the corresponding customer received the call and to determine which party pays, as well as, providing the subscriber with online capabilities to modify their service. (Lynch-Aird; col. 6, lines 17-35).

3. In claims 2 and 10, Greene discloses that if the number of the calling party is not on the list of pre-approved number, the call is identified as a telephone solicitation in step 8, and the automated answering system advises the person making the call that a surcharge may or will (at the subscriber's option) be added to their as indicated at box 10. The caller then has the opportunity at step 12 to continue the call and accept the surcharge (col. 3, lines 46-54).

4. In claims 5 and 15, Greene discloses the method and system allows the subscriber to program the system to include a plurality of telephone numbers which will automatically bypass the billing portion of the system (col. 2, lines 18-22).

Greene does not disclose that user-specified access control information is entered by the user at the user terminal via a menu-driven user interface. However, it would have been obvious to one of ordinary skill in the art that a menu-driven user interface was an old and well-known type of user interface in the computer art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide user friendly menus for the users to input data.

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5. In claim 11, Greene discloses that the subscriber has an option in step 13 to void or waive the surcharge as for example by, pressing one or more keys on his telephone key pad (col. 3, lines 64-67).

6. In claim 12, Greene discloses that if the subscriber is sympathetic to a particular charity or solicitation, he or she may void the surcharge at any time during the conversation by causing the call to bypass the billing and crediting functions as shown in steps 14 and 16 (col. 3, lines 67 through col. 4, line4).

7. In claim 19, Greene discloses that when answered, the telephone number of the calling party is identified electronically in step 6 and compared to the subscriber's database in a data processing system as indicated by box 8 (col. 3, lines 39-44). Greene discloses that the subscriber's specified call billing parameters are then incorporated into a standard Automatic Message Accounting record which is generated by the carrier switch network for each call and sent to the billing system which processes the charges for inclusion in the network bill sent to the caller and credits a portion of those charges to the account of the person called (col. 2, lines 61-67).

8. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (Patent Number 5,568,541) in view of Lynch-Aird (Patent Number 6,240,402) in further view of Chang et al. (Patent Number 5,958,016), still in further view of Harrison (Patent Number 6,595,424).

9. In claim 6, Greene does not disclose that the user terminal includes a personal digital assistant. Harrison discloses a device which provides a wireless telephone (col. 3, lines 65-67). Harrison further discloses that this type of armpiece is particularly well-suited for use with pre-existing PDA's and handheld computers. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Greene to include the device of Harrison to provide a more convenient or portable user terminal.

10. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greene (Patent Number 5,568,541) in view of Lynch-Aird (Patent Number 6,240,402) in further view of Chang et al. (Patent Number 5,958,016) in further view of Harrison

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(Patent Number 6,595,424), still in further view of Haralambopoulos et al. (Patent Number 5,148,474).

11. In claims 13-14, Greene does not disclose that the user specified access control information comprises a caller-specific access cost, a caller-specific access rule, general access cost, or a general access rule. Haralambopoulos et al. disclose that the service provider (called party) has a plurality of individual value-added telephone numbers with each representing a different billing rate to reflect the services rendered (col. 5, lines 48-52). Haralambopoulos et al. further disclose that in addition to time related billing rates, the service provider (called party) may have numbers which enable a single item charge, for instance, if the service provider is a doctor, he may have three different time dependent billing rates for clients depending on the types of information required and a single use rate for a prescription renewal (col. 5, lines 52-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Green to include the system Haralambopoulos et al. in order to store the caller-specified costs and rules in database associated with the user terminal to provide the user the convenience to modify or change charges and rules.

Response to Arguments

Applicant's arguments filed November 18, 2005 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The examiner asserts that Greene teaches "user-specified access cost information" ("*subscriber's specified call billing parameters*" and "*the billing system credits a portion of the charges to person called*"), Lynch-Aird teaches "storing for a given user terminal of the system a set of user access cost information" ("*the network*

may include a data storage area for storage of user information” and “an originator identifier indicates that the corresponding customer originated the call and will accept the call charging scheme as determined by the recipient identifier” and “a recipient identifier indicates that the corresponding customer received the call and would also determine how the call charges should be allocated”.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

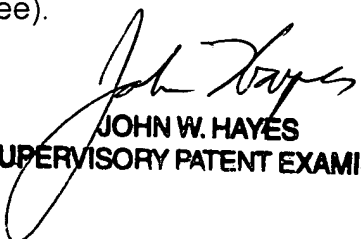
In this case, the motivation can be found in Lynch-Aird (col. 6, lines 17-35) and Chang (col. 6, lines 23-29).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Freda A. Nelson whose telephone number is (571) 272-7076. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FAN 01/20/2006



JOHN W. HAYES
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